

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION**

RODNEY D. PIERCE and  
MOSES MATTHEWS,

Plaintiffs,

v.

THE NORTH CAROLINA STATE BOARD  
OF ELECTIONS, *et al.*,

Defendants.

Case No. 4:23-cv-193-D

**LEGISLATIVE DEFENDANTS’ MOTION *IN LIMINE* TO EXCLUDE  
“DEMONSTRATION DISTRICT E” AND RELATED EXPERT OPINION**

NOW COME Defendants, Philip E. Berger, in his official capacity as President Pro Tem of the North Carolina Senate, and Timothy K. Moore, in his official capacity as Speaker of the North Carolina House of Representatives (the “Legislative Defendants”), by counsel, and respectfully move this Court for the entry of an order *in limine* excluding “Demonstration District E” and related expert opinion by Plaintiffs’ experts from trial in this matter.

WHEREFORE, for the reasons set forth in the accompanying memorandum in support, which is incorporated herein by this reference, Legislative Defendants seek an order that:

- A. Strikes all references to Demonstration District E from the August 30, 2024, expert reports of Plaintiffs’ experts, Blakeman Esselstyn, Jonathan Mattingly, Ph.D., and Loren Collingwood, Ph.D.;
- B. Precludes Plaintiffs from offering any opinions or evidence at trial of this matter concerning Demonstration District E; and
- C. For any further relief as this Court deems just and proper.

Respectfully submitted, this the 18th day of October, 2024.

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**CERTIFICATE OF SERVICE**

I hereby certify that the forgoing document was filed on the Court's electronic case filing system, and that notice of the filing will be served on all counsel of record by the Court's system. Copies of this filing are available via the Court's system.

This the 18th day of October, 2024.

**NELSON MULLINS RILEY &  
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